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EFFECTIVE 4/28/2016

2016 KENTUCKY GENERAL ASSEMBLY

EMERGENCY LEGISLATION ONLY

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NUMBERS ARE AVAILABLE

EMERGENCY
SENATE BILL 16 CHILDREN AND VEHICLES
SIGNED INTO LAW AND EFFECTIVE AS OF APRIL 8, 2016

SECTION 1. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

(1) A person who enters a vehicle, as defined in KRS 503.010, for the purpose of removing a minor shall be immune from civil liability for any resulting damage to the vehicle if the person:

(a) Has a reasonable, good faith belief, based upon the circumstances known to the person at the time, that entry into the vehicle is necessary because the minor is in imminent danger of physical injury if not immediately removed from the vehicle;

(b) Has contacted local law enforcement, the local fire department, or a 911 emergency telephone service prior to entering the vehicle;

(c) Uses no more force to enter the vehicle and remove the minor than is reasonably necessary under the circumstances; and

(d) 1. Remains with the minor in a safe location, out of the elements but reasonably close to the vehicle, until law enforcement, firefighters, or other emergency responders arrive; or

2. Reasonably determines that emergency conditions require leaving the scene with the minor, and places written notice on the vehicle containing:

a. The person's contact information;

b. The reason entry into the vehicle was made;

c. The minor's location; and

d. Notice that authorities have been contacted.

(2) This section does not limit a person's immunity from civil liability or defenses established in another section of the Kentucky Revised Statutes or available at

Section 2. Section 1 of this Act shall be known and may be cited as the "Look Before You Lock Act."

Section 3. The Office of Highway Safety within the Transportation Cabinet is strongly encouraged to create and implement an educational campaign regarding

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the safety threat heatstroke poses for children left in vehicles.

Section 4. Whereas children left in vehicles are at risk for injury, an emergency is declared to exist, and Section 1 of this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

EMERGENCY
SENATE BILL 56 DUI LOOK-BACK PERIOD
SIGNED INTO LAW AND EFFECTIVE AS OF APRIL 9, 2016

Section 1. KRS 189A.010 is amended to read as follows:

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(5) Any person who violates the provisions of paragraph (a), (b), (c), (d), or (e) of subsection (1) of this section shall:

(a) For the first offense within a **ten (10)** ~~[five (5)]~~ year period, be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or be imprisoned in the county jail for not less than forty-eight (48) hours nor more than thirty (30) days, or both. Following sentencing, the defendant may apply to the judge for permission to enter a community labor program for not less than forty-eight (48) hours nor more than thirty (30) days in lieu of fine or imprisonment, or both. If any of the aggravating circumstances listed in subsection (11) of this section are present while the person was operating or in physical control of a motor vehicle, the mandatory minimum term of imprisonment shall be four (4) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release;

(b) For the second offense within a **ten (10)** ~~[five (5)]~~ year period, be fined not less than three hundred fifty dollars (\$350) nor more than five hundred dollars (\$500) and shall be imprisoned in the county jail for not less than seven (7) days nor more than six (6) months and, in addition to fine and imprisonment, may be sentenced to community labor for not less than ten (10) days nor more than six (6) months. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be fourteen (14) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release;

(c) For a third offense within a **ten (10)** ~~[five (5)]~~ year period, be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and shall be imprisoned in the county jail for not less than thirty (30) days nor more than twelve (12) months and may, in addition to fine and imprisonment, be sentenced to community labor for not less than ten (10) days nor more than twelve (12) months. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be sixty (60) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of early release;

(d) For a fourth or subsequent offense within a **ten (10)** ~~[five (5)]~~ year period, be guilty of

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a Class D felony. If any of the aggravating circumstances listed in subsection (11) of this section are present, the mandatory minimum term of imprisonment shall be two hundred forty (240) days, which term shall not be suspended, probated, conditionally discharged, or subject to any other form of release; and

(e) For purposes of this subsection, prior offenses shall include all convictions in this state, and any other state or jurisdiction, for operating or being in control of a motor vehicle while under the influence of alcohol or other substances that impair one's driving ability, or any combination of alcohol and such substances, or while having an unlawful alcohol concentration, or driving while intoxicated, but shall not include convictions for violating subsection (1)(f) of this section. A court shall receive as proof of a prior conviction a copy of that conviction, certified by the court ordering the conviction.

(6) Any person who violates the provisions of subsection (1)(f) of this section shall have his driving privilege or operator's license suspended by the court for a period of no less than thirty (30) days but no longer than six (6) months, and the person shall be fined no less than one hundred dollars (\$100) and no more than five hundred dollars (\$500), or sentenced to twenty (20) hours of community service in lieu of a fine. A person subject to the penalties of this subsection shall not be subject to the penalties established in subsection (5) of this section or any other penalty established pursuant to KRS Chapter 189A, except those established in KRS 189A.040(1).

(7) If the person is under the age of twenty-one (21) and there was an alcohol concentration of 0.08 or greater based on the definition of alcohol concentration in KRS 189A.005, the person shall be subject to the penalties established pursuant to subsection (5) of this section.

(8) For a second or third offense within a ten (10) [~~five (5)~~] year period, the minimum sentence of imprisonment or community labor shall not be suspended, probated, or subject to conditional discharge or other form of early release. For a fourth or subsequent offense under this section, the minimum term of imprisonment shall be one hundred twenty (120) days, and this term shall not be suspended, probated, or subject to conditional discharge or other form of early release. For a second or subsequent offense, at least forty-eight (48) hours of the mandatory sentence shall be served consecutively.

(9) When sentencing persons under subsection (5)(a) of this section, at least one (1) of the penalties shall be assessed and that penalty shall not be suspended, probated, or subject to conditional discharge or other form of early release.

(10) In determining the ten (10) [~~five (5)~~] year period under this section, the period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered. (11) For purposes of this section, aggravating circumstances are any one (1) or more of the following:

(a) Operating a motor vehicle in excess of thirty (30) miles per hour above the speed limit;

(b) Operating a motor vehicle in the wrong direction on a limited access highway;

(c) Operating a motor vehicle that causes an accident resulting in death or serious physical injury as defined in KRS 500.080;

(d) Operating a motor vehicle while the alcohol concentration in the operator's blood or breath is 0.15 or more as measured by a test or tests of a sample of the operator's blood or breath taken within two (2) hours of cessation of operation of the motor vehicle;

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- (e) Refusing to submit to any test or tests of one's blood, breath, or urine requested by an officer having reasonable grounds to believe the person was operating or in physical control of a motor vehicle in violation of subsection (1) of this section; and
- (f) Operating a motor vehicle that is transporting a passenger under the age of twelve (12) years old.

* * * * *

Section 2. KRS 189A.070 is amended to read as follows:

(1) Unless the person is under eighteen (18) years of age, in addition to the penalties specified in KRS 189A.010, a person convicted of violation of KRS 189A.010(1)(a), (b), (c), (d), or (e) shall have his or her license to operate a motor vehicle or motorcycle revoked by the court as follows:

- (a) For the first offense within a ten (10) [five (5)] year period, for a period of not less than thirty (30) days nor more than one hundred twenty (120) days;
- (b) For the second offense within a ten (10) [five (5)] year period, for a period of not less than twelve (12) months nor more than eighteen (18) months;
- (c) For a third offense within a ten (10) [five (5)] year period, for a period of not less than twenty-four (24) months nor more than thirty-six (36) months; and
- (d) For a fourth or subsequent offense within a ten (10)[five (5)] year period, sixty (60) months.

(e) For purposes of this section, "offense" shall have the same meaning as described in KRS 189A.010(5)(e).

(2) In determining the ten (10) [five (5)] year period under this section, the period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.

(3) In addition to the period of license revocation set forth in subsection (1) or (7) of this section, no person shall be eligible for reinstatement of his or her full privilege to operate a motor vehicle until he has completed the alcohol or substance abuse education or treatment program ordered pursuant to KRS 189A.040.

* * * * *

Section 3. KRS 189A.090 is amended to read as follows:

(1) No person shall operate or be in physical control of a motor vehicle while his or her license is revoked or suspended under this chapter, or upon the conclusion of a license revocation period pursuant to KRS 189A.340 unless the person has his or her valid ignition interlock license in the person's possession and the motor vehicle or motorcycle is equipped with a functioning ignition interlock device as required by KRS 189A.420.

(2) In addition to any other penalty imposed by the court, any person who violates subsection (1) of this section shall:

- (a) For a first offense within a ten (10) [five (5)] year period, be guilty of a Class B misdemeanor and have his license revoked by the court for six (6) months, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e), in which event he shall be guilty of a Class A misdemeanor and have his license revoked by the court for a period

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of one (1) year;

(b) For a second offense within a **ten (10)**~~[five (5)]~~ year period, be guilty of a Class A misdemeanor and have his license revoked by the court for one (1) year, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e), in which event he shall be guilty of a Class D felony and have his license revoked by the court for a period of two (2) years;

(c) For a third or subsequent offense within a **ten (10)**~~[five (5)]~~ year period, be guilty of a Class D felony and have his license revoked by the court for two (2) years, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e), in which event he shall be guilty of a Class D felony and have his license revoked by the court for a period of five (5) years; and

(d) At the sole discretion of the court, in the interest of public safety and upon a written finding in the record for good cause shown, the court may order that, following any period of incarceration required for the conviction of an offense under paragraph (a), (b), or (c) of this subsection, the eligible person is authorized to apply for and the cabinet shall issue to the person an ignition interlock license for the remainder of the original period of suspension or revocation and for the entire period of the new revocation if the person is and remains otherwise eligible for such license.

(3) The **ten (10)**~~[five (5)]~~ year period under this section shall be measured in the same manner as in KRS 189A.070. (4) Upon a finding of a violation of any of the requirements of an ignition interlock license, the court shall dissolve such an order and the person shall receive no credit toward the remaining period of revocation required under subsection (2)(b) or (c) of this section.

Section 4. KRS 189A.200 is amended to read as follows:

(1) The court shall at the arraignment or as soon as such relevant information becomes available suspend the motor vehicle operator's license and motorcycle operator's license and driving privileges of any person charged with a violation of KRS 189A.010(1) who:

(a) Has refused to take an alcohol concentration or substance test as reflected on the uniform citation form;

(b) Has been convicted of one (1) or more prior offenses as described in KRS 189A.010(5)(e) or has had his operator's license revoked or suspended on one (1) or more occasions for refusing to take an alcohol concentration or substance test, in the **ten (10)**~~[five (5)]~~ year period immediately preceding his arrest; or

(c) Was involved in an accident that resulted in death or serious physical injury as defined in KRS 500.080 to a person other than the defendant.

* * * * *

Section 5. KRS 189A.240 is amended to read as follows:

In any judicial review of a pretrial suspension imposed under KRS 189A.200(1)(a), if the court determines by a preponderance of the evidence that: (1) The person was charged and arrested by a peace officer with a violation of KRS 189A.010(1)(a), (b), (c), (d), or

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(e); (2) The peace officer had reasonable grounds to believe that the person was operating a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e); (3) There is probable cause to believe that the person committed the violation of KRS 189A.010(1)(a), (b), (c), (d), or (e) as charged; and (4) The person has been convicted of one (1) or more prior offenses as described in KRS 189A.010(5)(e) or has had his motor vehicle operator's license suspended or revoked on one (1) or more occasions for refusing to take an alcohol concentration or substance test, in the **ten (10)** [~~five (5)~~] year period immediately preceding his arrest, then the court shall continue to suspend the person's operator's license or privilege to operate a motor vehicle. The provisions of this section shall not be construed as limiting the person's ability to challenge any prior convictions or license suspensions or refusals.

Section 6. KRS 189A.330 is amended to read as follows:

(1) The clerk of the court in which hearings for violation of KRS 189A.010 are heard shall report to the Administrative Office of the Courts on or within five (5) working days of January 1, April 1, July 1, and October 1 of each year the cases involving violations of KRS 189A.010 which have not resulted in a final ruling by the court within **one hundred eighty (180)** [~~ninety (90)~~] days of the date upon which the person was charged with a violation of KRS 189A.010.

(2) The Administrative Office of the Courts shall forward a copy of the lists of these cases to the Chief Justice and the Office of the Attorney General. (3) Upon a determination that there is sufficient cause, the Office of the Attorney General may appoint a special prosecutor or prosecutors to assist in the disposition of these cases within a reasonable time period. (4) The Chief Justice may take actions deemed necessary and reasonable to facilitate the resolution of these cases within a reasonable time period.

Section 7. KRS 189A.340 is amended to read as follows:

(1) (a) Except as provided in KRS 189A.420(4), at the time that the court revokes a person's license under any provision of KRS 189A.070, for an offense in violation of KRS 189A.010(1)(a),(b),(e), or (f), the court shall also order that, at the conclusion of the license revocation, any license the person shall be issued shall restrict the person to operating only a motor vehicle or motorcycle equipped with a functioning ignition interlock device.

(b) The ignition interlock periods shall be as follows:

1. The first time in a **ten (10)** [~~five (5)~~] year period, a functioning ignition interlock device shall be installed for a period of six (6) months, if at the time of offense, any of the aggravating circumstances listed under KRS 189A.010(11) were present while the person was operating or in physical control of a motor vehicle.

2. The second time in a **ten (10)** [~~five (5)~~] year period, a functioning ignition interlock device shall be installed for a period of twelve (12) months.

3. The third or subsequent time in a **ten (10)** [~~five (5)~~] year period, a functioning ignition interlock device shall be installed for a period of thirty (30) months.

(c) In determining the **ten (10)** [~~five (5)~~] year period under paragraph (b) of this subsection, the period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered, resulting in the license

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revocations described in KRS 189A.070.

(2) Nothing in this section limits:

(a) The person's right to apply for an ignition interlock license during any period of suspension or revocation arising from the same incident;

(b) The cabinet's authority to issue an ignition interlock license during any period of suspension or revocation arising from the same incident if the person meets all application requirements and is otherwise eligible for such license; or

(c) The person from receiving credit on a day-for-day basis toward any ignition interlock requirement in paragraph (a) of this subsection for any period the person held a valid ignition interlock license during any period of suspension or revocation arising from the same incident. A person prohibited from operating any motor vehicle or motorcycle without a functioning ignition interlock device under paragraph (a) of subsection (1) of this section shall receive any court-determined credit on a day-for-day basis toward any such ignition interlock requirement for any period the person holds a valid ignition interlock license during any period of suspension or revocation arising from the same incident.

Section 8. KRS 189A.410 is amended to read as follows:

(1) At any time following the expiration of the minimum license suspension periods enumerated in:

(a) KRS 189A.010(6); or

(b) KRS 189A.070 for a violation of:

1. KRS 189A.010(1)(c) or (d); or

2. KRS 189A.010(1)(a), (b), or (e) for a first offense within a ten (10) [five-(5)] year period if, at the time of the offense, none of the aggravating circumstances enumerated under KRS 189A.010(11) were present while the person was operating or in control of a motor vehicle;

the court may grant the person hardship driving privileges for the balance of the suspension period imposed by the court, upon written petition of the defendant, if the court finds reasonable cause to believe that revocation would hinder the person's ability to continue his employment; continue attending school or an educational institution; obtain necessary medical care; attend driver improvement, alcohol, or substance abuse education programs; or attend court-ordered counseling or other programs.

* * * * *

Section 9. This Act shall be known as the Brianna Taylor Act.

Section 10. Whereas all instances of driving under the influence pose an immediate danger to the health, safety, and welfare of the citizens of the Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law

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SENATE BILL 60

VULNERABLE VICTIMS

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SIGNED INTO LAW AND EFFECTIVE AS OF APRIL 9, 2016

SECTION 1. A NEW SECTION OF KRS CHAPTER 501 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "offense against a vulnerable victim" means any violation of:

(a) KRS 508.100;

(b) KRS 508.110;

(c) KRS 508.120;

(d) KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120, or 530.020, if the victim is under the age of fourteen (14), or if the victim is an individual with an intellectual disability, physically helpless, or mentally incapacitated, as those terms are defined in KRS 510.010;

(e) KRS 529.100 or 529.110 if the victim is a minor;

(f) KRS 530.064(1)(a);

(g) KRS 531.310;

(h) KRS 531.320; or

(i) Any felony in KRS Chapter 209.

(2) A person may be charged with committing an offense against a vulnerable victim in a continuing course of conduct if the unlawful act was committed against the same person two (2) or more times over a specified period of time.

(3) If a person is charged as committing the crime in a continuing course of conduct, the indictment shall clearly charge that the crime was committed in a continuing course of conduct.

(4) To convict a person of an offense against a vulnerable victim in a continuing course of conduct, the jury shall unanimously agree that two (2) or more acts in violation of the same statute occurred during the specified period of time. The jury need not agree on which specific acts occurred.

(5) If a person is convicted of an offense against a vulnerable victim in a continuing course of conduct, that person may not also be convicted of charges based on the individual unlawful acts that were part of the continuing course of conduct.

(6) The penalty, probation and parole eligibility, and other consequences of an offense charged under this section shall be the same as for the offense when charged based on an individual act.

(7) The applicability of this section shall be governed by the age of the victim at the time of the offense.

Section 2. Whereas protecting the health and safety of Kentucky's most vulnerable citizens is one of the most important goals of our government and no just cause exists for delay, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

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SENATE BILL 63 SEXUAL ASSAULT
SIGNED INTO LAW AND EFFECTIVE AS OF APRIL 8, 2016

Section 1. All sexual assault examination kits collected pursuant to KRS 216B.400 prior to the effective date of this Act which have not been subjected to serological or deoxyribonucleic acid testing shall be submitted to the Department of Kentucky State Police forensic laboratory by January 1, 2017. The Department of Kentucky State Police forensic laboratory shall collaborate with every Kentucky law enforcement and prosecutorial agency responsible for the collection, storage, and maintenance of sexual assault examination kits to develop a plan for the submission and testing of all such kits.

Section 2. KRS 15.440 is amended to read as follows:

(1) Each local unit of government which meets the following requirements shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund:

* * * * *

(g) Requires compliance with all reasonable rules and regulations, appropriate to the size and location of the local police department, state or public university police department, or sheriff's office, issued by the Justice and Public Safety Cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510; ~~[and]~~

(h) Possesses a written policy and procedures manual related to domestic violence for law enforcement agencies that meets the standards set forth by, and has been approved by, the Justice and Public Safety Cabinet. The policy shall comply with the provisions of KRS 403.715 to 403.785. The policy shall include purpose statements; definitions; supervisory responsibilities; procedures for twenty-four (24) hour access to protective orders; procedures for enforcement of court orders or relief when protective orders are violated; procedures for timely and contemporaneous reporting of adult abuse and domestic violence to the Cabinet for Families and Children, Department for Community Based Services; victim rights, assistance, and service responsibilities; and duties related to timely completion of records; and

(i) Possesses by January 1, 2017, a written policy and procedures manual related to sexual assault examinations that meets the standards set forth by, and has been approved by, the Justice and Public Safety Cabinet, and which includes:

1. A requirement that evidence collected as a result of an examination performed under Section 4 of this Act be taken into custody within five (5) days of notice from the collecting facility that the evidence is available for retrieval;

2. A requirement that evidence received from a collecting facility relating to an incident which occurred outside the jurisdiction of the department be transmitted to a department with jurisdiction within ten (10) days of its receipt by the department;

3. A requirement that all evidence retrieved from a collecting facility under this

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paragraph be transmitted to the Department of Kentucky State Police forensic laboratory within thirty (30) days of its receipt by the department;

4. A requirement that a suspect standard, if available, be transmitted to the Department of Kentucky State Police forensic laboratory with the evidence received from a collecting facility; and 5. A process for notifying the victim from whom the evidence was collected of the progress of the testing, whether the testing resulted in a match to other DNA samples, and if the evidence is to be destroyed. The policy may include provisions for delaying notice until a suspect is apprehended or the office of the Commonwealth's attorney consents to the notification, but shall not automatically require the disclosure of the identity of any person to whom the evidence matched.

(2) No local unit of government which meets the criteria of this section shall be eligible to continue sharing in the distribution of funds from the Law Enforcement Foundation Program fund unless the local police department, state or public university police department, or sheriff's office actually begins and continues to comply with the requirements of this section; provided, further, that no local unit shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund until the local police department, state or public university police department, or sheriff's office has substantially complied with subsection (1)(f) and (g) of this section.

(3) A sheriff's office shall not lose eligibility to share in the distribution of funds from the Law Enforcement Foundation Program fund if the sheriff does not participate in the Law Enforcement Foundation Program fund.

(4) Failure to meet a deadline established in a policy adopted pursuant to subsection (1)(i) of this section for the retrieval or submission of evidence shall not be a basis for a dismissal of a criminal action or a bar to the admissibility of the evidence in a criminal action.

Section 3. KRS 17.175 is amended to read as follows:

(1) A centralized database of DNA (deoxyribonucleic acid) identification records for convicted or adjudicated offenders, crime scene specimens, unidentified human remains, missing persons, and close biological relatives of missing persons shall be established in the Department of Kentucky State Police under the direction, control, and supervision of the Department of Kentucky State Police forensic laboratory. The established system shall be compatible with the procedures set forth in a national DNA identification index to ensure data exchange on a national level.

(2) The purpose of the centralized DNA database is to assist federal, state, and local criminal justice and law enforcement agencies within and outside the Commonwealth in the identification, detection, or exclusion of individuals who are subjects of the investigation or prosecution of sex-related crimes, violent crimes, or other crimes and the identification and location of missing and unidentified persons.

(3) (a) The Department of Kentucky State Police forensic laboratory shall receive, analyze, and classify DNA samples received from the Department of Corrections, the Department of Juvenile Justice, and other sources, and shall file the DNA results in the centralized databases for law enforcement identification and statistical purposes. The department shall analyze and classify all sexual assault evidence collection kits it receives. In cases where a suspect has been identified, the department may give

priority to analysis and classification of sexual assault evidence collection kits where the reference standard for comparison is provided with the kit. Except as provided in subsection (3)(e) of this section, by July 1, 2018, the average completion rate for this analysis and classification shall not exceed ninety (90) days, and by July 1, 2020, the average completion rate for this analysis and classification shall not exceed sixty (60) days. (b) Failure to meet the completion time goals established in subsection (3)(a) of this section shall not be a basis for a dismissal of a criminal action or a bar to the admissibility of evidence. (c) The Department of Kentucky State Police shall, by August 1 of each year, report to the Legislative Research Commission the yearly average completion rate for the immediately preceding five (5) fiscal years. (d) With approval by the secretary of the Justice and Public Safety Cabinet in situations in which an equipment casualty necessitates the expedited acquisition or repair of laboratory equipment required for the analysis of evidence, the acquisition or repair shall be exempt from the Finance and Administration Cabinet's competitive bidding process for both acquisition and repair purposes. Each time the authority granted by this paragraph is used, the equipment acquisition or repair shall be fully documented within thirty (30) days by the agency head in a written or electronic letter to the secretary of the Finance and Administration Cabinet, attached to an ordering or payment document in the state's procurement system, which shall include: 1. An explanation of the equipment acquired or repaired; 2. The name of the vendor selected; 3. The amount of procurement; 4. Other price quotations obtained; and 5. The basis for selection of the vendor. (e) To the extent appropriated funds are insufficient to meet the average completion time goals established in subsection (3)(a) of this section, the Department of Kentucky State Police forensic laboratory shall no longer be required to meet the average completion time goals.

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Section 4. KRS 216B.400 is amended to read as follows:

(1) Where a person has been determined to be in need of emergency care by any person with admitting authority, no such person shall be denied admission by reason only of his or her inability to pay for services to be rendered by the hospital. (2) Every hospital of this state which offers emergency services shall provide that a physician, a sexual assault nurse examiner, who shall be a registered nurse licensed in the Commonwealth and credentialed by the Kentucky Board of Nursing as provided under KRS 314.142, or another qualified medical professional, as defined by administrative regulation promulgated by the Justice and Public Safety Cabinet in consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707, is available on call twenty-four (24) hours each day for the examinations of persons seeking treatment as victims of sexual offenses as defined by KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120, 510.130, ~~510.040 to~~ 510.140, 530.020, 530.064(1)(a), and 531.310.

(3) An examination provided in accordance with this section of a victim of a sexual offense may be performed in a sexual assault examination facility as defined in KRS 216B.015. An examination under this section shall apply only to an examination of a

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victim.

(4) The physician, sexual assault nurse examiner, or other qualified medical professional, acting under a statewide medical forensic protocol which shall be developed by the Justice and Public Safety Cabinet in consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707, and promulgated by the secretary of justice and public safety pursuant to KRS Chapter 13A shall, upon the request of any peace officer or prosecuting attorney, and with the consent of the victim, or upon the request of the victim, examine such person for the purposes of providing basic medical care relating to the incident and gathering samples that may be used as physical evidence. This examination shall include but not be limited to:

(a) Basic treatment and sample gathering services; and

(b) Laboratory tests, as appropriate.

(5) Each victim shall be informed of available services for treatment of sexually transmitted infections, pregnancy, and other medical and psychiatric problems. Pregnancy counseling shall not include abortion counseling or referral information.

(6) Each victim shall be informed of available crisis intervention or other mental health services provided by regional rape crisis centers providing services to victims of sexual assault.

(7) Notwithstanding any other provision of law, a minor may consent to examination under this section. This consent is not subject to disaffirmance because of minority, and consent of the parents or guardians of the minor is not required for the examination.

(8) (a) The examinations provided in accordance with this section shall be paid for by the Crime Victims' Compensation Board at a rate to be determined by the administrative regulation promulgated by the board after consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707.

(b) Upon receipt of a completed claim form supplied by the board and an itemized billing for a forensic sexual assault examination or related services that are within the scope of practice of the respective provider and were performed no more than twelve (12) months prior to submission of the form, the board shall reimburse the hospital or sexual assault examination facility, pharmacist, health department, physician, sexual assault nurse examiner, or other qualified medical professional as provided in administrative regulations promulgated by the board pursuant to KRS Chapter 13A. Reimbursement shall be made to an out-of-state nurse who is credentialed in the other state to provide sexual assault examinations, an out-of-state hospital, or an out-ofstate physician if the sexual assault occurred in Kentucky.

(c) Independent investigation by the Crime Victims' Compensation Board shall not be required for payment of claims under this section; however, the board may require additional documentation or proof that the forensic medical examination was performed.

(9) No charge shall be made to the victim for sexual assault examinations by the hospital, the sexual assault examination facility, the physician, the pharmacist, the health department, the sexual assault nurse examiner, other qualified medical professional, the victim's insurance carrier, or the Commonwealth.

(10) (a) Each victim shall have the right to determine whether a report or other notification shall be made to law enforcement, except where reporting of abuse and neglect of a child, spouse, and other vulnerable adult is required, as set forth in KRS

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209.030, 209A.030, and 620.030. No victim shall be denied an examination because the victim chooses not to file a police report, cooperate with law enforcement, or otherwise participate in the criminal justice system.

(b) **If the victim chooses to report to law enforcement, the hospital shall notify law enforcement within twenty-four (24) hours.**

(c) 1. All samples collected during an exam where the victim has chosen not to immediately report to law enforcement shall be stored, released, and destroyed, if appropriate, in accordance with an administrative regulation promulgated by the Justice and Public Safety Cabinet in consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707.

2. Facilities collecting samples pursuant to this section may provide the required secure storage, sample destruction, and related activities, or may enter into agreements with other agencies qualified to do so, pursuant to administrative regulation.

3. All samples collected pursuant to this section shall be stored for at least **one (1) year** ~~[ninety (90) days]~~ from the date of collection in accordance with the administrative regulation promulgated pursuant to this subsection. 4. Notwithstanding KRS 524.140, samples collected during exams where the victim chose not to report immediately or file a report within **one (1) year** ~~[ninety (90) days]~~ after collection may be destroyed as set forth in accordance with the administrative regulation promulgated pursuant to this subsection. **The victim shall be informed of this process at the time of the examination.** No hospital, sexual assault examination facility, or designated storage facility shall be liable for destruction of samples after the required storage period has expired.

Section 5. KRS 403.707 is amended to read as follows:

(1) The Council on Domestic Violence and Sexual Assault shall create a Sexual Assault Response Team Advisory Committee.

(2) The Sexual Assault Response Team Advisory Committee shall be co-chaired by the executive director of the Kentucky Association of Sexual Assault Programs and the commissioner of the Department of Kentucky State Police or the commissioner's designee.

(3) The membership of the Sexual Assault Response Team Advisory Committee shall consist of the following:

(a) The executive director of the Kentucky Board of Nursing or the executive director's designee;

(b) The executive director of the Kentucky Nurses Association or the executive director's designee;

(c) The executive director of the Kentucky Hospital Association or the executive director's designee;

(d) **The executive director of the Kentucky Association of Children's Advocacy Centers;**

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(4) Members appointed under subsection (3) **(i) to (l)** ~~[(h) to (k)]~~ of this section shall serve at the pleasure of the appointing authority and shall not serve longer than four (4)

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years without reappointment.

(5) The Sexual Assault Response Team Advisory Committee shall:

(a) Serve in an advisory capacity to the Kentucky Board of Nursing in accomplishing the duties set forth under KRS 314.142;

(b) Serve in an advisory capacity to the Justice and Public Safety Cabinet in the development of the statewide sexual assault protocol required under KRS 216B.400(4);

(c) Develop a model protocol for the operation of sexual assault response teams which shall include the roles of sexual assault nurse examiners, physicians, law enforcement, prosecutors, and victim advocates;

(d) **Provide assistance to each regional rape crisis center, as designated by the Cabinet for Health and Family Services, in establishing a regional sexual assault response team;**

(e) **Develop model policies for law enforcement agencies related to handling sexual assault examination kits and investigating sexual assaults with a victim-centered, evidence-based approach;**

(f) **By January 1, 2018, report to the General Assembly on the results of the analysis of previously untested sexual assault examination kits submitted to the Department of Kentucky State Police forensic laboratory pursuant to Section 1 of this Act, including whether analysis of those kits led to the identification and prosecution of suspects and the cost to society of the offenses committed by the suspects identified;**

(g) **By July 1, 2018, and by each July 1 thereafter, report to the General Assembly and to the secretary of the Justice and Public Safety Cabinet on the number of sexual assaults reported, the number of sexual assault examination kits submitted to the Department of Kentucky State Police forensic laboratory, the number of kits tested, and the number of charges filed and convictions obtained in sexual assault cases in the previous calendar year;**

(h) Provide information and recommendations concerning the activities of the agency or organization represented by each individual committee member as related to sexual assault issues and programs within the purview of the agency or organization; and

~~(i)(e))~~ (i) Recommend to the Council on Domestic Violence and Sexual Assault any changes in statute, administrative regulation, training, policy, and budget to promote a multidisciplinary response to sexual assault.

SECTION 6. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

(1) The Department of Kentucky State Police shall request from other law enforcement agencies, pursuant to KRS 17.150, and shall collect statistical data regarding the reporting and investigation of any person charged with committing, attempting to commit, or complicity to a sexual offense as defined by KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120, 510.130, 510.140, 530.020, 530.064(1)(a), and 531.310, and on the number of sexual assault evidence kits, as defined in Section 4 of this Act, which are submitted to law enforcement agencies, the number of such kits submitted to the Department of Kentucky State Police forensic laboratory, and the number of kits tested.

(2) The information collected pursuant to this section for the previous calendar

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year shall be provided by May 1, 2018, and by each May 1 thereafter to the Sexual Assault Response Team Advisory Committee as defined in Section 5 of this Act.

SECTION 7. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

(1) The Administrative Office of the Courts shall collect statistical data regarding the prosecution, dismissal, conviction, or acquittal of any person charged with committing, attempting to commit, or complicity to a sexual offense as defined by KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120, 510.130, 510.140, 530.020, 530.064(1)(a), and 531.310.

(2) The information collected pursuant to this section for the previous calendar year shall be provided by May 1 of 2018 and by each May 1 thereafter to the Sexual Assault Response Team Advisory Committee as defined in Section 5 of this Act.

SECTION 8. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

(1) The secretary of the Cabinet for Health and Family Services shall designate as a SANE-ready hospital any acute care hospital which has certified, and recertifies annually, that a sexual assault nurse examiner as defined in KRS 314.011 is available on call twenty-four (24) hours each day for the examination of persons seeking treatment as victims of sexual offenses as defined by KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 510.120, 510.130, 510.140, 530.020, 530.064(1)(a), and 531.310. (2) The secretary shall suspend or revoke an acute care hospital's designation as SANE-ready hospital if the hospital fails to recertify annually, or if it notifies the secretary that it no longer meets the requirements of this section. (3) (a) The cabinet shall maintain a list of SANE-ready hospitals and post the list on its Web site. The cabinet shall provide the list and periodic updates to the Kentucky Board of Emergency Medical Services. (b) The Kentucky Board of Emergency Medical Services shall share the list with each local emergency medical services provider at least annually, and as new centers and hospitals are designated and certified.

Section 9. KRS 15.334 is amended to read as follows:

(1) The Kentucky Law Enforcement Council shall approve mandatory training subjects to be taught to all students attending a law enforcement basic training course that include but are not limited to:

(a) Abuse, neglect, and exploitation of the elderly and other crimes against the elderly, including the use of multidisciplinary teams in the investigation and prosecution of crimes against the elderly;

(b) The dynamics of domestic violence, pediatric abusive head trauma, as in KRS 620.020, child physical and sexual abuse, and rape; child development; the effects of abuse and crime on adult and child victims, including the impact of abuse and violence on child development; legal remedies for protection; lethality and risk issues; profiles of offenders and offender treatment; model protocols for addressing domestic violence, rape, pediatric abusive head trauma, as defined in KRS 620.020, and child abuse;

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available community resources and victim services; and reporting requirements. This training shall be developed in consultation with legal, victim services, victim advocacy, and mental health professionals with expertise in domestic violence, child abuse, and rape. Training in recognizing pediatric abusive head trauma may be designed in collaboration with organizations and agencies that specialize in the prevention and recognition of pediatric abusive head trauma approved by the secretary of the Cabinet for Health and Family Services;

(c) Human immunodeficiency virus infection and acquired immunodeficiency virus syndrome;

(d) Identification and investigation of, responding to, and reporting bias-related crime, victimization, or intimidation that is a result of or reasonably related to race, color, religion, sex, or national origin;[and] (e) The characteristics and dynamics of human trafficking, state and federal laws relating to human trafficking, the investigation of cases involving human trafficking, including but not limited to screening for human trafficking, and resources for assistance to the victims of human trafficking; and

(f) Beginning January 1, 2017, the council shall require that a law enforcement basic training course include at least eight (8) hours of training relevant to sexual assault.

(2) (a) The council shall develop and approve mandatory professional development training courses to be presented to all certified peace officers. A mandatory professional development training course shall be first taken by a certified peace officer in the training year following its approval by the council and biennially thereafter. A certified peace officer shall be required to take these courses no more than two (2) times in eight (8) years.

(b) Beginning January 1, 2011, the council shall require that one and one-half (1.5) hours of professional development covering the recognition and prevention of pediatric abusive head trauma be included in the curriculum of all mandatory professional development training courses such that all officers shall receive this training at least once by December 31, 2013. The one and one-half (1.5) hours required under this section shall be included in the current number of required continuing education hours.

(c) Beginning January 1, 2017, the council shall establish a forty (40) hour sexual assault investigation training course. By January 1, 2019, agencies shall have one (1) or more officers trained in this curriculum, as follows:

1. Agencies with five (5) or fewer officers shall have at least one (1) officer trained in sexual assault investigation;

2. Agencies with more than five (5) officers but fewer than thirty (30) officers shall have at least two (2) officers trained in sexual assault investigation; and

3. Agencies with thirty (30) or more officers shall have at least four (4) officers trained in sexual assault investigation.

(3) The Justice and Public Safety Cabinet shall provide training on the subjects of domestic violence and abuse and may do so utilizing currently available technology. All certified peace officers shall be required to complete this training at least once every two (2) years. (4) The council shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish mandatory basic training and professional development training courses.

(5) The council shall make an annual report by December 31 each year to the

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Legislative Research Commission that details the subjects and content of mandatory professional development training courses established during the past year and the subjects under consideration for future mandatory training.

Section 10. KRS 524.140 is amended to read as follows:

(1) As used in this section:

(a) "Defendant" means a person charged with a:

1. Capital offense, Class A felony, Class B felony, or Class C felony; or
2. Class D felony under KRS Chapter 510; and

(b) "Following trial" means after:

1. The first appeal authorized by the Constitution of Kentucky in a criminal case has been decided; or
2. The time for the first appeal authorized by the Constitution of Kentucky in a criminal case has lapsed without an appeal having been filed.

(2) No item of evidence gathered by law enforcement, prosecutorial, or defense authorities that may be subject to deoxyribonucleic acid (DNA) evidence testing and analysis in order to confirm the guilt or innocence of a criminal defendant shall be disposed of prior to trial of a criminal defendant unless:

(a) **The evidence has been in custody not less than fifty (50) years; or**

(b) The evidence has been in custody not less than ten (10) years; and

1. The prosecution has determined that the defendant will not be tried for the criminal offense; and

2. [(b)] The prosecution has made a motion, before the court in which the case would have been tried, to destroy the evidence[; and (c) The court has, following an adversarial proceeding in which the prosecution and the defendant were heard, authorized the destruction of the evidence by court order].

* * * * *

Section 11. Sections 1 to 10 of this Act shall be known as the Sexual Assault Forensic Evidence (SAFE) Act of 2016.

Section 12. Whereas delay in processing sexual assault evidence kits undermines public safety and confidence in the criminal justice system and no just cause exists for delay, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

EMERGENCY

SENATE BILL 203

DEATH BENEFITS

SIGNED INTO LAW AND EFFECTIVE AS OF APRIL 13, 2016

Section 1. KRS 16.601 is amended to read as follows:

(1) If the death of a member in service occurs on or after August 1, 1992, as a direct result of an "act in line of duty" and the member has on file in the retirement office at the time of his **or her** death a written designation of only one (1) beneficiary, who is his **or her** spouse, the beneficiary may elect to receive a lump-sum payment of ten thousand

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dollars (\$10,000) and a monthly payment equal to twenty-five percent (25%) of the member's monthly final rate of pay beginning in the month following the member's death and continuing each month until death.

(2) If the death of a member in service occurs on or after July 1, 1968, as a direct result of an "act in line of duty" and the member has on file in the retirement office at the time of his or her death a written designation of only one (1) beneficiary other than his or her spouse, who is a dependent receiving at least one-half (1/2) of his or her support from the deceased member, the beneficiary may elect to receive a lump-sum payment of ten thousand dollars (\$10,000).

(3) In the period of time following a member's death during which dependent children survive, monthly payments shall be made for each dependent child who is alive, equal to ten percent (10%) of the deceased member's monthly final rate of pay; however, total maximum dependent children's benefits shall not be greater than forty percent (40%) of the deceased member's monthly final rate of pay at the time any particular payment is due. The payments shall commence in the month following the date of death of the member and shall be payable to the beneficiaries, or to a legally appointed guardian or as directed by the system. Benefits shall be payable under this subsection notwithstanding an election by a beneficiary to withdraw the deceased member's accumulated account balance as provided in KRS 61.625 or benefits under any other provisions of KRS 16.510 to 16.652.

(4) A beneficiary eligible for benefits under subsection (1) or (2) of this section who is also eligible for benefits under any other provisions of KRS 16.510 to 16.652 may elect benefits under this section or any other section of KRS 16.510 to 16.652 but cannot elect to receive both.

(5) (a) A beneficiary applying for benefits under subsection (1) or (2) of this section who is also eligible for benefits under KRS 16.578 may elect to receive benefits under KRS 16.578(2)(a) or (b) while the application for benefits under subsection (1) or (2) of this section is pending.

(b) If a final determination results in a finding of eligibility for benefits under subsection (1) or (2) of this section, the system shall recalculate the benefits due the beneficiary in accordance with this subsection.

(c) If the beneficiary has been paid less than the amount of benefits to which the beneficiary was entitled to receive under this section, the system shall pay the additional funds due to the beneficiary.

(d) If the beneficiary has been paid more than the amount of benefits to which the beneficiary was entitled to receive under this section, the system shall deduct the amount overpaid to the beneficiary from the ten thousand dollars (\$10,000) lump-sum payment and from the monthly retirement allowance payments until the amount owed to the systems has been recovered.

Section 2. KRS 61.621 is amended to read as follows:

(1) Notwithstanding any provision of any statutes to the contrary, effective June 1, 2000, any employee participating in one (1) of the state-administered retirement systems who is not in a hazardous duty position, as defined in KRS 61.592, shall be eligible for minimum benefits equal to the benefits payable under this section or KRS 61.702 if the employee dies or becomes totally and permanently disabled to engage in any

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occupation for remuneration or profit as a result of a duty-related injury.

(2)(a) For purposes of this section, "duty-related injury" means:

1. a. A single traumatic event that occurs while the employee is performing the duties of his position; or
- b. A single act of violence committed against the employee that is found to be related to his job duties, whether or not it occurs at his job site; and
2. The event or act of violence produces a harmful change in the human organism evidenced by objective medical findings.

(b) Duty-related injury does not include the effects of the natural aging process, a communicable disease unless the risk of contracting the disease is increased by nature of the employment, or a psychological, psychiatric, or stress-related change in the human organism unless it is the direct result of a physical injury.

(3)(a) If the employee dies as a result of a duty-related injury and is survived by a spouse, the surviving spouse shall be the beneficiary, and this shall supersede the designation of all previous beneficiaries of the deceased employee's retirement account.

(b) The surviving spouse may elect to receive the benefits payable under KRS 61.640 or other applicable death benefit statutes, or may elect to receive a lump-sum payment of ten thousand dollars (\$10,000) and a monthly payment equal to twenty-five percent (25%) of the member's monthly final rate of pay beginning in the month following the member's death and continuing each month until death.

(4) If the employee is determined to be disabled as provided in KRS 61.600, or other applicable disability statutes in any other state-administered retirement system, as the result of a duty-related injury, the employee may elect to receive benefits determined under the provisions of KRS 61.605, or other applicable disability statutes in any other state-administered retirement system, except that the monthly retirement allowance shall not be less than twenty-five percent (25%) of the employee's monthly final rate of pay. For purposes of determining disability, the service requirement in KRS 61.600(1)(a), or other applicable statutes in any other state-administered retirement system, shall be waived.

(5) In the period of time following a member's death or disability during which dependent children survive, a monthly payment shall be made for each dependent child who is alive which shall be equal to ten percent (10%) of the deceased or disabled member's monthly final rate of pay; however, total maximum dependent children's benefits shall not exceed forty percent (40%) of the deceased or disabled member's monthly final rate of pay at the time any particular payment is due. The payment shall commence in the month following the date of death or disability of the member and shall be payable to the beneficiaries, or to a legally appointed guardian, or as directed by the system. Benefits for death as a result of a duty-related injury shall be payable under this subsection notwithstanding an election by a beneficiary to withdraw the deceased member's accumulated account balance as provided in KRS 61.625 or benefits under any other provisions of KRS 61.515 to 61.705 or other applicable death benefit statutes in any other state-administered retirement system.

(6)(a) A spouse applying for benefits under this section who is also eligible for benefits under KRS 61.640 may elect to receive benefits under KRS 61.640(2)(a) or (b) while the application for benefits under this section is pending.

(b) If a final determination results in a finding of eligibility for benefits under this

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section, the system shall recalculate the benefits due the spouse in accordance with this subsection.

(c) If the spouse has been paid less than the amount of benefits to which the spouse was entitled to receive under this section, the system shall pay the additional funds due to the spouse.

(d) If the spouse has been paid more than the benefit the spouse was eligible to receive under this section, then the system shall deduct the amount owed by the spouse from the ten thousand dollars (\$10,000) lump sum payment and from the monthly retirement allowance payments until the amount owed to the systems has been recovered.

(7)(6) This section shall be known as "The Fred Capps Memorial Act."

Section 3. This Act shall have retroactive effect to any matters pending before the Kentucky Retirement Systems or appeals of any of those matters pending on the effective date of this Act.

Section 4. Whereas ensuring that benefits for public employees suffering death in the line of duty are promptly distributed is important to the public employees serving in the line of duty, to their families, and to the Commonwealth of Kentucky, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

EMERGENCY
HOUSE BILL 204 PEACE OFFICER CERTIFICATION
SIGNED INTO LAW AND EFFECTIVE AS OF MARCH 18, 2016

Section 1. KRS 15.382 is amended to read as follows:

A person certified after December 1, 1998, under KRS 15.380 to 15.404 shall, at the time of becoming certified, meet the following minimum qualifications: (1) Be a citizen of the United States; (2) Be at least twenty-one (21) years of age;

(3) (a) Be a high school graduate, regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education; [or]

(b) Have successfully completed a General Education Development (G.E.D.) examination; or

(c) Have received a high school diploma through participation in the external diploma program;

* * * * *

Section 2. KRS 15.3971 is amended to read as follows:

(1) A person certified as a court security officer after June 26, 2007, under KRS 15.380 to 15.404 shall, at the time of becoming certified, meet the following minimum qualifications:

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- (a) Be a citizen of the United States; (b) Be at least twenty-one (21) years of age;
- (c) 1. Be a high school graduate, regardless of whether the school is accredited or certified by a governing body, **provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education;[or]**
- 2. Have successfully completed a General Educational Development (GED) examination; or
- 3. **Have received a high school diploma through participation in the external diploma program;**

* * * * *

Section 3. KRS 15.540 is amended to read as follows:

- (1) An agency hiring a telecommunicator after July 15, 2006, shall certify to the Department of Criminal Justice Training before admission to the telecommunicator training program that the telecommunicator:
 - (a) Is a citizen of the United States and has reached the age of majority;
 - (b) 1. Is a high school graduate, **regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education;[or]**
 - 2. Has received a general equivalency diploma (GED); **or**
 - 3. **Has received a high school diploma through participation in the external diploma program;**

Section 4. KRS 95.951 is amended to read as follows:

- As of July 14, 1992, no person shall be originally appointed or employed as a police officer or an auxiliary police officer by a city, urban-county, or charter county government in the Commonwealth unless he: (1) Is at least twenty-one (21) years of age; and (2) (a) Is a high school graduate, **regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education;**
- (b) Has received a general equivalency diploma (G.E.D.);[,] **or (c) Has received a high school diploma through participation in the external diploma program.**

Section 5. Whereas public safety depends on the effectiveness of law enforcement, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law

EMERGENCY
HOUSE BILL 4 SYNTHETIC DRUGS
SIGNED INTO LAW AND EFFECTIVE AS OF APRIL 27, 2016

Section 1. KRS 218A.010 is amended to read as follows:

As used in this chapter:

* * * * *

(17) "Hydrocodone combination product" means a drug with:

(a) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium; or

(b) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts;

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Section 2. KRS 218A.020 is amended to read as follows:

* * * * *

(3) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the Cabinet for Health and Family Services, the Cabinet for Health and Family Services may similarly control the substance under this chapter by regulation. ~~[If hydrocodone or any drug containing hydrocodone is rescheduled to Schedule II in this manner, the prescriptive authority existing on March 19, 2013, of any practitioner licensed under the laws of the Commonwealth to prescribe, dispense, or administer hydrocodone or drugs containing hydrocodone shall remain inviolate and shall continue to exist to the same extent as if those drugs had remained classified as Schedule III controlled substances.]~~

* * * * *

Section 3. KRS 218A.050 is amended to read as follows:

Unless otherwise rescheduled by administrative regulation of the Cabinet for Health and Family Services, the controlled substances listed in this section are included in Schedule I:

(1) Any material, compound, mixture, or preparation which contains any quantity of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, or salts is possible within the specific chemical designation: Acetylfentanyl; Acetylmethadol; Allylprodine; Alphacetylmethadol; Alphameprodine; Alphamethadol; Benzethidine; Betacetylmethadol; Betameprodine; Betamethadol; Betaprodine; Clonitazene; Dextromoramide; Dextrophan; Diampromide; Diethylthiambutene; Dimenoxadol; Dimepheptanol; Dimethylthiambutene; Dioxaphetyl butyrate; Dipipanone; Ethylmethylthiambutene; Etonitazene; Etixeridine; Furethidine; Hydroxypethidine; Ketobemidone; Levomoramide; Levophenacylmorphane;

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Morpheridine; Noracymethadol; Norlevorphanol; Normethadone; Norpipanone; Phenadoxone; Phenampromide; Phenomorphan; Phenoperidine; Piritramide; Proheptazine; Properidine; Propiram; Racemoramide; Trimeperidine; **4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide (W-18); 4-chloro-N-[1-(2-phenylethyl)-2-piperidinylidene]-benzenesulfonamide (W-15);**¹

* * * * *

Section 4. KRS 218A.070 is amended to read as follows:

Unless otherwise rescheduled by regulation of the Cabinet for Health and Family Services, the controlled substances listed in this section are included in Schedule II:

(1) Any material, compound, mixture, or preparation which contains any quantity of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

(b) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (a) of this subsection, but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, including cocaine and ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine; or

(e) Hydrocodone.

* * * * *

Section 5. KRS 218A.090 is amended to read as follows:

Unless otherwise rescheduled by regulation of the Cabinet for Health and Family Services, the controlled substances listed in this section are included in Schedule III:

* * * * *

~~(c) [Not more than three hundred (300) milligrams of dihydrocodeinone, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium; (d) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts;~~

¹ W-15 and W-18 are synthetic opiates, considered much more potent than fentanyl.

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~~(e)~~]Not more than one and four-fifths (1.8) grams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts;
~~(d)~~~~(f)~~] Not more than three hundred (300) milligrams of ethylmorphine, or any of its salts per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one (1) or more ingredients in recognized therapeutic amounts;
~~(e)~~~~(g)~~] Not more than five hundred (500) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams, or not more than twenty-five (25) milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts;
~~(f)~~~~(h)~~] Not more than fifty (50) milligrams of morphine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts; and[-]
~~(g)~~~~(i)~~] The Cabinet for Health and Family Services may except by regulation any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsection (1) **of this section** from the application of all or any part of this chapter if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system; and[-]

REMAINING RELETTERED

INTERVENING SECTIONS RELATE TO PRESCRIBING AUTHORITIES

Section 9: KRS 218A.1430 is amended to read as follows:

(1) (a) A person is guilty of trafficking in synthetic drugs when he or she knowingly and unlawfully traffics in synthetic drugs.
(b) Trafficking in synthetic drugs is a **Class D felony** ~~[Class A misdemeanor]~~ for the first offense and a Class ~~C~~**D** felony for **a second or**~~each~~ subsequent offense.
(c) In lieu of the fine amounts otherwise allowed under KRS Chapter 534, for any offense under this subsection the court may impose a maximum fine of double the defendant's gain from the commission of the offense, in which case any fine money collected shall be divided between the same parties, in the same ratio, and for the same purposes as established for forfeited property under KRS 218A.420.
(d) It shall be an affirmative defense to an offense under this subsection that the defendant committed the offense during the course of the defendant's employment as an employee of a retail store and that the defendant did not know and should not have known that the trafficked substance was a synthetic drug.
(2) (a) A person is guilty of possession of synthetic drugs when he or she knowingly and unlawfully possesses synthetic drugs.
(b) Possession of synthetic drugs is:
1. A Class A misdemeanor for the first offense; and
2. A Class D felony for each subsequent offense~~[Class B misdemeanor, except that, KRS Chapter 532 to the contrary notwithstanding, the maximum term of incarceration~~

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shall be no greater than thirty (30) days~~L~~

Section 10. KRS 218A.1401 is amended to read as follows:

(1) A person is guilty of selling controlled substances to a minor when he or she, being eighteen (18) years of age or older, knowingly and unlawfully sells or transfers any quantity of a controlled substance other than ~~[synthetic drugs or]~~salvia to any person under eighteen (18) years of age.

(2) Selling controlled substances to a minor is a Class C felony for a first offense, and a Class B felony for each subsequent offense, unless a more severe penalty for trafficking in controlled substances is applicable, in which case the higher penalty shall apply.

Section 11. KRS 530.064 is amended to read as follows:

(1) A person is guilty of unlawful transaction with a minor in the first degree when he or she knowingly induces, assists, or causes a minor to engage in:

(a) Illegal sexual activity; or

(b) Illegal controlled substances activity other than activity involving marijuana[, ~~synthetic drugs,~~] or salvia, as defined in KRS 218A.010; Except those offenses involving minors in KRS Chapter 531 and in KRS 529.100 where that offense involves commercial sexual activity.

(2) Unlawful transaction with a minor in the first degree is a: (a) Class C felony if the minor so used is less than eighteen (18) years old at the time the minor engages in the prohibited activity;

(b) Class B felony if the minor so used is less than sixteen (16) years old at the time the minor engages in the prohibited activity; and (c) Class A felony if the minor so used incurs physical injury thereby.

Section 12. KRS 530.065 is amended to read as follows:

(1) A person is guilty of unlawful transaction with a minor in the second degree when he knowingly induces, assists, or causes a minor to engage in illegal controlled substances activity involving marijuana[, ~~synthetic drugs,~~] illegal gambling activity, or any other criminal activity constituting a felony. (2) Unlawful transaction with a minor in the second degree is a Class D felony.

Section 5. Whereas synthetic drugs pose an immediate risk to the health and safety of the citizens of this Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law

EMERGENCY

HOUSE BILL 204

PEACE OFFICER CERTIFICATION

SIGNED INTO LAW AND EFFECTIVE AS OF MARCH 18, 2016

Section 1. KRS 15.382 is amended to read as follows:

A person certified after December 1, 1998, under KRS 15.380 to 15.404 shall, at the time of becoming certified, meet the following minimum qualifications: (1) Be a citizen of

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the United States; (2) Be at least twenty-one (21) years of age;
(3) (a) Be a high school graduate, **regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education;** ~~[or]~~
(b) Have successfully completed a General Education Development (G.E.D.) examination; or
(c) Have received a high school diploma through participation in the external diploma program;

* * * * *

Section 2. KRS 15.3971 is amended to read as follows:

(1) A person certified as a court security officer after June 26, 2007, under KRS 15.380 to 15.404 shall, at the time of becoming certified, meet the following minimum qualifications:
(a) Be a citizen of the United States; (b) Be at least twenty-one (21) years of age;
(c) 1. Be a high school graduate, regardless of whether the school is accredited or certified by a governing body, **provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education;** ~~[or]~~
2. Have successfully completed a General Educational Development (GED) examination; or
3. **Have received a high school diploma through participation in the external diploma program;**

* * * * *

Section 3. KRS 15.540 is amended to read as follows:

(1) An agency hiring a telecommunicator after July 15, 2006, shall certify to the Department of Criminal Justice Training before admission to the telecommunicator training program that the telecommunicator:
(a) Is a citizen of the United States and has reached the age of majority;
(b) 1. Is a high school graduate, **regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education;** ~~[or]~~
2. Has received a general equivalency diploma (GED); **or**
3. **Has received a high school diploma through participation in the external diploma program;**

Section 4. KRS 95.951 is amended to read as follows:

As of July 14, 1992, no person shall be originally appointed or employed as a police officer or an auxiliary police officer by a city, urban-county, or charter county government in the Commonwealth unless he: (1) Is at least twenty-one (21) years of age; and (2) (a) Is a high school graduate, **regardless of whether the school is**

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accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education;

(b) Has received a general equivalency diploma (G.E.D.);[,] or

(c) Has received a high school diploma through participation in the external diploma program.

Section 5. Whereas public safety depends on the effectiveness of law enforcement, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

EMERGENCY

HOUSE BILL 314 PEACE OFFICERS AND WEAPONS
SIGNED INTO LAW AND EFFECTIVE AS OF APRIL 13, 2016

SECTION 1. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

Off-duty peace officers authorized to do so by the government employing the officer and retired peace officers certified under KRS 237.138 to 237.142 may carry concealed firearms on or about their persons at all times and at any location within the Commonwealth where an on-duty peace officer is permitted to carry firearms.

Section 2. Whereas public protection is of the highest priority, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.